

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**VICTOR ROFFE ATTIAS
CAROLINE JULIE PIKET HOFFMAN**

DEBTOR(S)

CASE NO. 09-09634 (BKT)

CHAPTER 13

**MOTION TO FILE THE PRE-CONFIRMATION
AMENDED CHAPTER 13 PLAN DATED FEBRUARY 8, 2011**

TO THE HONORABLE COURT:

COME(S) NOW Debtor(s), represented by the undersigned attorney and respectfully represent(s) and as follows:

1. The pre-confirmation amended **Chapter 13 Plan dated February 08, 2011** is being filed herewith. The amended plan provides *for sale of debtors' residential property as an additional means to fund the plan, and increases the base to \$200,000.00 to meet the liquidation value of the case. The increase in the base will come from the sale of the property within 12 months from the confirmation of the plan.*

2. Although the previous plan proposed a lump sum payment of \$71,100 in month 18 into the payment plan schedule, that amount is not sufficient to comply with the liquidation value determined at \$245,246.00.

3. Debtor's financial distress resulting from loss of income and dependence on family help shortly after the filing of this petition have not allowed them to obtain refinancing of their residential property as of present. Therefore, after due consideration of slim the possible alternatives for reorganization, petitioners have come to realize that the sale of their residence as part of their plan is the most feasible manner to achieve their goal.

4. The petitioning husband has informed the undersigned that his corporation “El Telar Franchise, Inc.” --presently under a confirmed Chapter 11 plan (Case No. 09-07554, consolidated with Case No. 09-075530-- is now in position to reinstate him with half the gross salary he was previously paid, or \$500 per week (approximately \$2,166.66 per month). Family help, however, will still be needed in order for petitioners’ to cover their reasonable family expenses. Amended budget schedules will be prepared and filed with the Court to reflect this soon-to-de change in debtor’s circumstances.

5. Petitioners respectfully submit to this Honorable Court that additional time is required for the sale of their residence to maximize the possibility of proceeds from the sale. The same would apply for the possibility of refinancing or other form of funding for the plan. Hence they request that the time period for sale or refinance under the plan be extended to “within 12 months from confirmation.”

6. As of present, the amended plan filed herewith pays 100% + 6% present value of all allowed, non-subordinated, unsecured claims.

7. The amended pre-confirmation plan dated February 8, 2011 is filed in good faith.

WHEREFORE, the undersigned Counsel for the herein Debtor(s) respectfully informs this Honorable Court, all creditors and parties in interest, the filing of the aforementioned plan, and that in absence of any timely objection to the same, that an order confirming the plan be entered.

RESPECTFULLY SUBMITTED.

Twenty-Eight-Days Notice To Parties In Interest

Within **twenty eight (28) days** after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to the aforementioned **Amended Plan** with the Clerk’s office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is

forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise. *Fed. R. Bankr. P. 2002 (b) and LBR 9013-1*.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which, by information and believe, will send notification to all CM/ECF participants in this case. Furthermore, I hereby certify that all non CM/ECF participants will be served with an exact copy of this document by regular U.S. mail, postage prepaid, sent to their addresses of record as these appear in the attached master address list.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, February 8, 2011.

s/JOSE L. JIMENEZ QUINONES

JOSE L. JIMENEZ QUINONES

USDC-PR 203808

THE HATO REY CENTER, STE. 1118

268 AVE. PONCE DE LEON

SAN JUAN, PR 00918

TEL.(787) 282-9009

Mobile (787) 691-3458

FAX 1-866-326-9416

jljimenez11@gmail.com

Attorney for:

Victor Roffe Attias and

Caroline Julie Piket Hoffman

**United States Bankruptcy Court
District of Puerto Rico**

IN RE:

Case No. **09-09634-13**

ROFFE ATTIAS, VICTOR & PIKET HOFFMAN, CAROLINE JULIE

Chapter **13**

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____ <input checked="" type="checkbox"/> AMENDED PLAN DATED: 2/08/2011	
<input type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	
I. PAYMENT PLAN SCHEDULE \$ 300.00 x 60 = \$ 18,000.00 \$ _____ x _____ = \$ _____ \$ _____ x _____ = \$ _____ \$ _____ x _____ = \$ _____ \$ _____ x _____ = \$ _____ TOTAL: \$ 18,000.00 Additional Payments: \$ 200,000.00 to be paid as a LUMP SUM within 32 months with proceeds to come from: <input checked="" type="checkbox"/> Sale of Property identified as follows: Proceeds of sale or refinancing of debtors' residential property within 12 months from confirmation <input type="checkbox"/> Other: _____ Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____	II. DISBURSEMENT SCHEDULE A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____ B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: 1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. DORAL BANK Cr. _____ Cr. _____ # 8307216 # _____ # _____ \$ 435.00 \$ _____ \$ _____ 2. <input type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: _____ 5. <input type="checkbox"/> Other: _____ 6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: DORAL BANK C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2) D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. Unsecured Claims otherwise receive PRO-RATA disbursements. OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) See Continuation Sheet
PROPOSED BASE: \$ 218,000.00	
III. ATTORNEY'S FEES (Treated as § 507 Priorities) Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ _____	
Signed: <u>/s/ VICTOR ROFFE ATTIAS</u> Debtor <u>/s/ CAROLINE JULIE PIKET HOFFMAN</u> Joint Debtor	

Attorney for Debtor **JIMENEZ - QUINONES LAW OFFICES**

Phone: **(787) 282-9009**

AMENDED CHAPTER 13 PAYMENT PLAN

Continuation Sheet - Page 2 of 2

1. DEBTORS ASSUME THE FOLLOWING:

A. UNEXPIRED LEASE WITH POPULAR AUTO OF THE 2004 HONDA ODYSSEY IS HEREBY ASSUMED BY DEBTOR. DEBTORS WILL MAINTAIN REGULAR DIRECT PAYMENTS ON THE LEASE. (POC 6-1). DEBTORS RESERVE THE RIGHT TO OBJECT THE ARREARS CLAIMED UPON FINDING OF EVIDENCE TO THE CONTRARY.

2. DEBTORS REJECT THE FOLOWING LEASES:

A. 2004 HONDA PILOT UNEXPIRED LEASE WITH POPUAL AUTO, VOLUNATRILY RETURNED TO POPULAR AUTO IN APRIL 2010. (POC 7-2).

B. UNEXPIRED LEASE WITH POPULAR AUTO, 2005 TOYOTA ECHO, WAS PAID IN-FULL WITH PROCEEDS OF INSURANCE STEMMING FROM TOTAL LOSS OCCURED IN MARCH 2010. (POC 9-1). CLAIM WITHDRAWN, DKT. #63.

C. UNEXPIRED LEASE WITH POPULAR AUTO, 2006 SUBARU TYRIBECA, EXTINGUISHED UPON PAYMENT IN-FULL BY INSURANCE AS THE RESULT OF TOTAL LOSS DUE TO AN ACCIDENT. TOTAL LOSS IN MARCH 2010. PAID IN-FULL DIRECTLY TO CREDITOR BY INSURANCE CO. (POC 8-1). CLAIM WITHDRAWN, DKT. #62.

3. UNITED SURETY & INDEMNITY CO. : JUDGMENT ISSUED ON 13/OCT/2009 BY THE SAN JUAN COURT OF FIRST INSTANCE, CASE NO. K1CD2007-1737 (603). DEBTORS RESERVE THE RIGHT TO OBJECT ANR PORTION OF THIS CLAIM PAID IN THE CASE OF "EL TELAR FRANCHISE, CORP." CHAPTER 11 CASE NO. 09-07554, CONSOLIDATED UNDER CHAPTER 11 CASE NO. 09-07553. (POC 2-1).

4. BPPR (POC 3-1) - COLLECTION OF MONEY ON LINE OF CREDIT OF MAXXIMA UNIFORMS, INC., WITH PERSONAL GUARANTEE OF PETITIONING DEBTOR AND SPOUSE. ONLY \$40,000 OF THE CLAIMED AMOUNT WILL BE PAID THROUGH THIS PLAN AS PER JOINT STIPULATION FOR PARTIAL SUBORDINATION OF CLAIM DUE TO TREATMENT UNDER THE CASE OF "EL TELAR FRANCHISE, CORP.", CHAPTER 11 CASE NO. 09-07553, DKT. #64.

5. WESTERN BANK: COLLECTION OF MONEY AND FORECLOSURE OF MORTGAGE ACTION, CASE NO. DCD2009-0626 (505), TRIBUNAL OF FIRST INSTANCE OF PR, BAYAMON ROOM. OBLIGATION OF VIRR DEVELOPMENT, S.E., WITH THE PERSONAL GUARANTEE OF DEBTOR. WESTERN BANK HAS A COMMERCIAL REAL PROPERTY AS COLLATERAL, PROPERTY OF VIRR DEVELOPMENT, S.E., THIS CLAIM IS SUBORDINATED TO WESTERNBAK'S RECOVERY FROM VIRR DEVELOPMENT, S.E. THE CASE IS PENDING (POC 13-1), AS PER JOINT STIPULATION, DKT. #64.

6. ANY INCOME TAX REFUNDS TO BE RECEIVED DURING THE LIFE OF THE PLAN WILL BE DEVOTED TO THE PLAN IN ADDITION TO THE BASE TOTAL, INCREASING THE BASE ACCORDINGLY, WITHOUT THE NEED TO FURTHER AMEND THE PLAN. DEBTORS SHALL NOT USE THOSE REFUNDS WITHOUT PREVIOUS AUTHORIZATION OF THE COURT.

7. NO OUTSTANDING RULE 2016 ATTORNEY'S FEES.

TWENTY-EIGHT (28) DAYS NOTICE TO PARTIES IN INTEREST:

WITHIN TWENTY EIGHT (28) DAYS AFTER SERVICE AS EVIDENCED BY THE CERTIFICATION, AND AN ADDITIONAL THREE (3) DAYS PURSUANT TO FED. R. BANK. P. 9006(F) IF YOU WERE SERVED BY MAIL, ANY PARTY AGAINST WHOM THIS PAPER HAS BEEN SERVED, OR ANY OTHER PARTY TO THE ACTION WHO OBJECTS TO THE RELIEF SOUGHT HEREIN, SHALL SERVE AND FILE AN OBJECTION OR OTHER APPROPRIATE RESPONSE TO THE FOREGOING PLAN WITH THE CLERK'S OFFICE OF THE U.S. BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO. IF NO OBJECTION OR OTHER RESPONSE IS FILED WITHIN THE TIME ALLOWED HEREIN, THE PAPER WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED UNLESS: (I) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (II) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; OR (III) IN THE OPINION OF THE COURT, THE INTEREST OF JUSTICE REQUIRES OTHERWISE. FED. R. BANKR. P. 2002 (B) AND LBR 9013-1.

Label Matrix for local noticing
0104-3
Case 09-09634-BKT13
District of Puerto Rico
Old San Juan
Tue Feb 8 14:23:40 AST 2011

DORAL BANK (VTQ)
MARTINEZ & TORRES LAW OFFICES P S C
PO BOX 192938
SAN JUAN, PR 00919-3409

RECOVERY MANAGEMENT SYSTEMS CORP
RAMESH SINGH
25 SE 2ND AVE STE 1120
MIAMI, FL 33131-1605

BANCO POPULAR DE PR
P.O. BOX 362708
SAN JUAN, PR 00936-2708

BPP PROPERTIES
CENTRO COMERCIAL LOS JARDINES
GUAYNABO, PR 00969

CRIM
PO BOX 195387
SAN JUAN, PR 00919-5387

GUAYNABO PR COMMERCIAL
PROPERTIES DEVELOPMENT CORP.
5630 BANKERS AVE
BATTON ROUGE, LA 70808-2609

JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 7999
ST CLOUD MN 56302-7999

LCDO. VIRGILIO J. MACHADO AVILES
PMB 530, 138 WISNTON CHURCHILL
SAN JUAN, PR 00926-6023

POPULAR LEASING
PO BOX 366818
SAN JUAN, PR 00936-6818

BANCO POPULAR PR
MIGDALIA EFFIE GUASP ESQ
PO BOX 362708
SAN JUAN, PR 00936-2708

JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 953185
ST LOUIS, MO 63195-3185

UNITED SURETY & INDEMNITY COMPANY
Saldana & Saldana-Egozcue, PSC
208 Ponce De Leon Ave.
Suite 1420
San Juan, PR 00918-1019

BANCO POPULAR DE PUERTO RICO
BANKRUPTCY DEPARTMENT
PO BOX 366818
SAN JUAN PR 00936-6818

BPP RETAIL PROPERTIES LLC
c/o Fernando J. Gierbolini
P.O. 19328
San Juan, PR
00910-1328

DORAL BANK
PO BOX 70308
SAN JUAN, PR 00936-8308

GUAYNABO PR COMMERCIAL PROPERTIES
DEVELOPMENT CORP
RAMON L RAMOS APONTE ESQ
DORAL BANK STE 805 33
RESOLUTION ST
SAN JUAN PR00920 2717

LCDA. MARIA DEL PILAR VAZQUEZ MUNIZ
PO BOX 1450
MAYAGUEZ, PR 00681-1450

POPULAR AUTO
PO BOX 363228
SAN JUAN, PR 00936-3228

TREASURY SECRETARY
DEPARTAMENTO DE HACIENDA
P.O. BOX 9024140
SAN JUAN, PR 00902-4140

BPP RETAIL PROPERTIES LLC
PO BOX 19328
SAN JUAN, PR 00910-1328

POPULAR AUTO
PO BOX 366818
SAN JUAN, PR 00936-6818

US Bankruptcy Court District of P.R.
U.S. Post Office and Courthouse Building
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

BANCO POPULAR DE PUERTO RICO-SPECIAL LOANS
PO BOX 362708
SAN JUAN PR 00936-2708

BPPR
BANCO POPULAR DE PR
PO BOX 362708
SAN JUAN, PR 00936-2708

FIDDLER GONZALEZ & RODRIGUEZ, PSC
PO BOX 363507
SAN JUAN, PR 00936-3507

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

LCDO. FERNANDO J. GIERBOLINI
GIERBOLINI LAW OFFICE
PO BOX 190998
SAN JUAN, PR 00919-0998

POPULAR AUTO (POPULAR LEASING)
BANKRUPTCY DEPARTMENT
PO BOX 366818
SAN JUAN PUERTO RICO 00936-6818

USIC
UNITED SURETY AND INDEMNITY CORPORATION
PO BOX 2111
SAN JUAN, PR 00922-2111

United Surety & Indemnity Company
Saldana & Saldana-Egozcue, PSC
208 Ponce De Leon Ave., Suite 1420
San Juan, PR 00918-1019

WESTERNBANK PUERTO RICO
PO BOX 1450
MAYAGUEZ, PR 00681-1450

CAROLINE JULIE PIKET HOFFMAN
200 BLVD DE LA FUENTE 44
SAN JUAN, PR 00926-5968

JOSE L JIMENEZ QUINONES
JIMENEZ QUINONES LAW OFFICE, PSC
268 AVE. PONCE DE LEON
SUITE 1118
SAN JUAN, PR 00918-2007

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

MONSITA LECAROS ARIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

VICTOR ROFFE ATTIAS
200 BLVD DE LA FUENTE APT 44
SAN JUAN, PR 00926-5968

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service
PO Box 21126
Philadelphia, PA 19114

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)DORAL BANK (VTQ)
MARTINEZ & TORRES LAW OFFICES, P.S.C.
PO BOX 192938
SAN JUAN PR 00919-3409

End of Label Matrix	
Mailable recipients	36
Bypassed recipients	1
Total	37